PROCEEDINGS OF THE COMMON COUNCIL
IN REGULAR SESSION
TUESDAY, JANUARY 28, 19 75

CITY OF FORT WAYNE, INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

The Common Council of the City of Fort Wayne met in the Council Chambers Tuesday evening January 28 A.D., 19 75, in Regular Session. President James S. Stier in the chair, and Charles W. Westerman Clerk, at the desk, present the following members viz:

Burns ✓, Hinga ✓, Kraus ✓

Moses ✓, Nuckols ✓, Donald Schmidt ✓

Vivian Schmidt ✓, Stier ✓, Talarico ✓

Absent ______

Councilmen ______, ______, ______

______, ______, Campus Chaplain of

The invocation was given by Reverend ~~Dr. Clyde Adames~~ Jim Peterson - ~~Union Baptist Church~~ Indiana Purdue

______

Received report from the City Controller for the month of ______, 19____. Motion made and carried that report be made a matter of record and placed on file.

The minutes of the last special/regular ______, 19____, Session having been delivered to the Council, were, on motion, approved and published.

THE CITY OF FORT WAYNE

office of the mayor

January 16, 1975

To the Common Council
Gentlemen and Mrs. Schmidt:

Today, January 16, 1975, I have approved the following ordinances passed by Common Council at its regular meeting on January 14, 1975.

(Bill No. A-74-12-01)
APPROPRIATION ORDINANCE NO. A-01-75

AN ORDINANCE appropriating funds from the Park Cumulative Building Fund into Special Account 35-350-350, Open Space Project OSC-1008

(Bill No. A-74-12-02)
APPROPRIATION ORDINANCE NO. A-02-75

AN ORDINANCE appropriating funds from the General Fund to Account No. 730-3-332, Medical, Dental and Surgical in the 1974 Budget of the Fire Department

(Bill No. A-74-12-03)
APPROPRIATION ORDINANCE NO. A-03-75

AN ORDINANCE appropriating certain funds from Revenue Sharing Trust Fund to various accounts

(Bill No. S-74-12-12)
SPECIAL ORDINANCE NO. S-01-75

AN ORDINANCE approving a bid document with ALLEN COUNTY TRACTOR for two utility tractors for Park Department

(Bill No. S-74-12-13)
SPECIAL ORDINANCE NO. S-02-75

AN ORDINANCE approving Change Order No. 1 in connection with paving Council Drive

(Bill No. S-74-12-14)
SPECIAL ORDINANCE NO. S-03-75

AN ORDINANCE approving Change Order No. 1 in connection with sidewalk repair in 4th District

MADE A MATTER OF RECORD
DATE 1-21-75 CHARLES W. WESTERMAN, CITY CLERK

(Bill No. S-74-12-15)
SPECIAL ORDINANCE NO. S-04-75

AN ORDINANCE approving a contract with GT&E DATA SERVICES CORPORATION for fire protection for the year 1975

(Bill No. S-74-12-16)
SPECIAL ORDINANCE NO. S-05-75

AN ORDINANCE approving contracts for blanket purchase orders for supplying stone, sand and aggregates

(Bill No. S-75-01-02)
SPECIAL ORDINANCE NO. S-06-75

AN ORDINANCE supplementing and amending Special Ordinance No. S-172-74 And Authorizing the Issuance And Sale of $250,000 Economic Development Revenue Bonds (J.E. & B. By Pass & 27, Inc. Project) of the City of Fort Wayne, Indiana For the Purpose of Financing the Cost of Real Estate, Machinery, Equipment and Related Property Comprising Economic Development Facilities For Use By J.E. & B. By Pass & 27, Inc.; Authorizing Execution of the Loan Agreement; The Acceptance of A Mortgage on Certain of the Facilities and the Assignment Thereof; Providing For the Pledge of Revenues for the Payment of Said Bond; Authorizing a Trust Indenture Appropriate for the Protection and Disposition of Such Revenues; and Authorizing the Sale of Said Bond.

(Bill No. S-75-01-05)
SPECIAL ORDINANCE NO. S-07-75

AN ORDINANCE Repealing Special Ordinance No. S-167-74

(Bill No. S-75-01-06)
SPECIAL ORDINANCE NO. S-08-75

AN ORDINANCE authorizing the issuance and sale of $1,500,000 Economic Development Revenue Bond (Tri-State Pipeline, Inc. Project) of the City of Fort Wayne, Indiana, for the purpose of acquiringreal estate, machinery, equipment and related property comprising economic development facilities for use by Tri-State Pipeline, Inc., authorizing execution of the Loan Agreement, providing for the pledge of revenues for the payment of said bonds, authorizing a mortgage and indenture of trust appropriate for the protection and disposition of such revenues; and authorizing the sale of said bond

(Bill No. R-75-01-07)
RESOLUTION NO. R-01-75

A RESOLUTION Repealing Resolution No. R-84-74

(Bill No. R-75-01-08)
RESOLUTION NO. R-02-75

A RESOLUTION authorizing the issuance and sale of $1,500,000 Economic Development Revenue Bonds, (Tri-State Pipeline, Inc. Project) of the City of Fort Wayne, Indiana, for the purpose of acquiring real estate, machinery, equipment and related property comprising economic development facilities for use by Tri-State PIPELINE, Inc. authorizing the execution of the loan agreement; Providing for the pledge of revenues for the payment of said Bonds; Authorizing a mortgage

and indenture of trust appropriate for the protection and disposition of such revenues; and Authorizing the sale of said bonds

(Bill No. Z-74-07-19)
ZONING MAP ORDINANCE NO. Z-01-75

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. C11

(Bill No. S-74-01-22)
SPECIAL ORDINANCE NO. S-09-75

AN ORDINANCE approving a contract with GRAYBAR ELECTRIC COMPANY for Lighting Fixtures

(Bill No. S-74-12-23)
SPECIAL ORDINANCE NO. S-10-75

AN ORDINANCE approving a contract with TRUCK-TRANSPORT EQUIPMENT for purchase of two trucks for Water Pollution Control

(Bill No. S-74-12-24)
SPECIAL ORDINANCE NO. S-11-75

AN ORDINANCE approving contracts for replacement vehicles and inventory for Water Utility

(Bill No. S-74-12-25)
SPECIAL ORDINANCE NO. S-12-75

AN ORDINANCE approving a contract with ALL PHASE ELECTRIC for materials for Light Construction

(Bill No. S-74-12-26)
SPECIAL ORDINANCE NO. S-13-75

AN ORDINANCE approving a contract with POINSATTE MOTORS, INC. for purchase of automobile for Water Pollution Control Plant

(Bill No. S-74-12-27)
SPECIAL ORDINANCE NO. S-14-75

AN ORDINANCE approving a contract with POINSATTE MOTORS, INC. for purchase of automobile for Water Pollution Control Plant

(Bill No. S-74-12-28)
SPECIAL ORDINANCE NO. S-15-75

AN ORDINANCE approving a contract with MILL SUPPLIES, INC. for materials for the Water Construction Department

(Bill No. S-74-12-29)
SPECIAL ORDINANCE NO. S-16-75

AN ORDINANCE approving a contract with GENERAL ELECTRIC SUPPLY for material for Light Construction

(Bill No. S-74-12-30)
SPECIAL ORDINANCE NO. S-17-75

AN ORDINANCE approving a contract with INDUSTRIAL PIPING & ENGINEERING CORPORATION for installation of Water Service Line

(Bill No. S-74-12-31)
SPECIAL ORDINANCE NO. S-18-75

AN ORDINANCE approving a contract with DUTHLER FORD for purchase of trucks for Water Pollution Control Plant

Respectfully yours,

Ivan A. Lebamoff
Mayor

THE CITY OF FORT WAYNE
office of the mayor

January 20, 1975

To the Common Council
Gentlemen and Mrs. Schmidt:

Today, January 20, 1975, I have approved the following ordinance passed by Common Council at its special meeting on January 20, 1975.

(Bill No. G-74-12-34)
GENERAL ORDINANCE NO. G-01-75

AN ORDINANCE fixing the schedule of rates and charges to be collected by the City of Fort Wayne, Indiana, from the owners property served by the sewage works of said City, and other matters connected therewith.

Respectfully yours,

Ivan A. Lebamoff
Mayor

MADE A MATTER OF RECORD
DATE 1-28-75 CHARLES W. WESTERMAN, CITY CLERK

THE CITY OF FORT WAYNE
office of city plan commission

January 10, 1975

COMMUNICATIONS FROM CITY PLAN COMMISSION

The Common Council of the City
of Fort Wayne
City-County Building
One Main Street
Fort Wayne, Indiana 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance Number 2836, amending Chapter 36 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

Bill No. G-71-05-14

Respectfully submitted,

City Plan Commission

Certified and signed this
10th day of January, 1975.

Thomas J. Offerle
Thomas J. Offerle
Secretary

MADE A MATTER OF RECORD
DATE 1-28-75 CHARLES W. WESTERMAN, CITY CLERK

THE CITY OF FORT WAYNE

January 10, 1975

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, Indiana 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a copy of a resolution pertaining to one (1) zoning ordinance amendment.

In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance involved.

1. Bill No. G-71-05-14

   An ordinance amending Subsection B (2) (E) of Section 17 of Chapter 36 of the Municipal Code of the City of Fort Wayne, Indiana, 1946, as amended. (Zoning Ordinance)

   "Section 17. Yard Requirements - All Districts.

   Subsection B (2) (E)
   Fence or Wall - a fence, latticework screen or wall not exceeding seven (7) feet in height or a living screen or fence of any height, may be located in the required side or rear yard, and a hedge or ornamental fence maintained or constructed so as not to exceed three (3) feet in height may be located in any required front yard. Provided, however, that nothing in this chapter shall be deemed to prohibit the construction in connection with a permitted agricultural use."

A public hearing was held on July 19, 1971. Following the public hearing the staff made inquiries and acquired information regarding different types of decorative fences available.

The ordinance was resubmitted to the Plan Commission for their consideration. The Commission continued this ordinance again because of the many problems they felt the new amendment might create. The problems discussed included such things as:

a. Problem of enforcement.

b. The problem of defining the term "ornamental" - there should be a set of criteria established.

c. What problems are created by having several different types of fences in the same block - no continuity of design.

The Plan Commission staff has been unable to process this amendment, therefore we request the ordinance be withdrawn in order that we can resubmit this amendment at another time.

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

DEPARTMENT OF COMMUNITY DEVELOPMENT AND PLANNING
Division of Long Range Planning and Zoning

Gary F. Baeten
Land Use Administrator

GFB:pr
ATT.

cc: Mayor Ivan Lebamoff

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, in May, 1971, referred a proposed zoning ordinance amendment to the City Plan Commission which proposed ordinance was designated as Bill No. G-71-05-14; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on July 19, 1971; and,

WHEREAS, the City Plan Commission, at their regular business meeting held July 26, 1971, recommended that this proposed ordinance be deferred.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this proposed ordinance be WITHDRAWN.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted by the Fort Wayne City Plan Commission.

Certified and signed this
10th day of January, 1975.

Thomas J. Offerle
Secretary

BILL NO. G-71-05-14

GENERAL ORDINANCE NO. G-________

AN ORDINANCE amending Subsection B (2)(E) of Section 17 of Chapter 36 of the Municipal Code of the City of Fort Wayne, Indiana, 1946, as amended. (Zoning Ordinance)

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the following section of Chapter 36 of the Municipal Code of the City of Fort Wayne, Indiana, 1946, as amended, be and the same is hereby amended to read as follows:

"Section 17. Yard Requirements - All Districts.

Subsection B (2)(E)
Fence or Wall - a fence, latticework screen or wall not exceeding seven (7) feet in height or a living screen or fence of any height, may be located in the required side or rear yard, and a hedge or ornamental fence maintained or constructed so as not to exceed three (3) feet in height may be located in any required front yard. Provided, however, that nothing in this chapter shall be deemed to prohibit the construction and maintenance of a fence of any height in connection with a permitted agricultural use."

SECTION 2. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and legal publication thereof.

____
Councilman

APPROVED AS TO FORM
AND LEGALITY
____
CITY ATTORNEY

THE CITY OF FORT WAYNE
office of city plan commission

January 28, 1975

COMMUNICATIONS FROM CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, Indiana 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance Number 2836, amending Chapter 36 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

Bill No. Z-74-11-09

Respectfully submitted

CITY PLAN COMMISSION

Certified and signed this
21st day of January, 1975.

C. N. Hall

Charles N. Hall
Secretary

DATE 1-28-75 MADE A MATTER OF RECORD
CHARLES W. WESTERMAN, CITY CLERK

THE CITY OF FORT WAYNE

January 21, 1975

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, Indiana 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a copy of a resolution pertaining to one (1) zoning ordinance amendment.

1. Bill No. Z-74-11-09

   This ordinance was requested to be withdrawn by the petitioner.

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

COMMUNITY DEVELOPMENT AND PLANNING
Division of Long Range Planning
and Zoning

Gary F. Baeten
Gary F. Baeten
Land Use Administrator

GFB:pr

ATT.

cc: Mayor Ivan Lebamoff

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on November 12, 1974, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-74-11-09; and,

WHEREAS, the required notice of public hearing was scheduled for publication on January 10, 1975, and public hearing was scheduled for January 20, 1975;

WHEREAS, the petitioner has now requested that this ordinance be WITHDRAWN:

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance be withdrawn in accordance with the request of the petitioner.

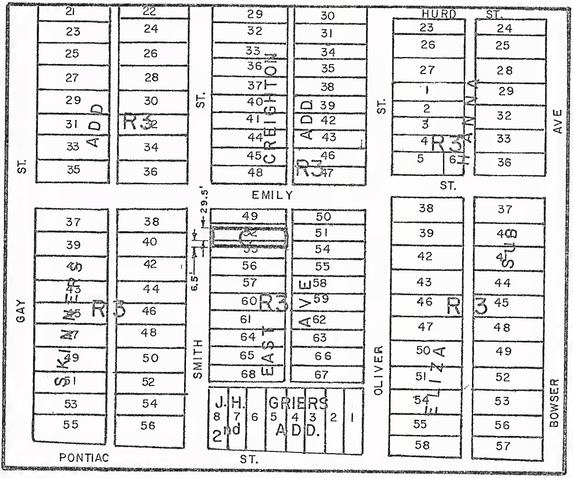
BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held January 20, 1975.

Certified and signed this
21st day of January, 1975.

C. Hall

Charles N. Hall
Secretary



C - CHANGE FROM R3 TO BIB

2-74-11-09

DATE 10-15-74

The Council then adjourned.

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of the City of Fort Wayne, Indiana and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings of the Common Council of the City of Fort Wayne, Indiana for its Regular Session, held on Tuesday the 28th dya of January, 1975; that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor as and on the dates shown as to each such ordinance and resolution respectively;and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 28th day of January ,1975.

Charles W. Westerman

Charles W. Westerman
City Clerk

SEAL